

# C O N V E N T I O N

from 19 June 1990

APPLYING THE SCHENGEN AGREEMENT OF 14 JUNE 1985

BETWEEN THE GOVERNMENTS OF THE STATES OF THE BENELUX  
ECONOMIC UNION,

THE FEDERAL REPUBLIC OF GERMANY AND THE FRENCH REPUBLIC,

ON THE GRADUAL ABOLITION OF CHECKS AT THEIR COMMON BORDERS

TITLE III    Police and security                      Article 39 - 91

## C H A P T E R   6

Narcotic drugs

### Article 70

1. The Contracting Parties shall set up a permanent working party to examine common problems relating to the combating of offences involving narcotic drugs and to draw up proposals, where necessary, to improve the practical and technical aspects of co-operation between the Contracting Parties. The working party shall submit its proposals to the Executive Committee.
2. The working party referred to in paragraph 1, the members of which are nominated by the relevant national authorities, shall include representatives of the police and of the customs authorities.

### Article 71

1. The Contracting Parties undertake as regards the direct or indirect sale of narcotic drugs and psychotropic substances of whatever type, including cannabis, and the possession of such products and substances for sale or export, to take, in compliance with the existing United Nations Conventions (+), all measures necessary for the prevention and punishment of the illicit traffic in narcotic drugs and psychotropic substances.
2. The Contracting Parties undertake to prevent and to punish by

administrative and penal measures the illegal export of narcotic drugs and psychotropic substances, including cannabis, as well as the sale, supply and handling of such products and substances, without prejudice to the relevant provisions of Articles 74, 75 and 76.

3. To combat the illegal importation of narcotic drugs and psychotropic substances, including cannabis, the Contracting Parties shall strengthen the checks on the movement of persons and goods and of means of transport at their external borders. Such measures shall be drawn up by the working party provided for in Article 70. This working party shall consider inter alia the reassignment of some of the police and customs staff released from internal border duty, as well as recourse to modern drug-detection methods and sniffer dogs.

4. To ensure compliance with this Article, the Contracting Parties shall specifically maintain surveillance on places known to be used for drug trafficking.

5. The Contracting Parties shall do all in their power to prevent and combat the negative effects of the illicit demand for narcotic drugs and psychotropic substances of whatever kind, including cannabis. The measures adopted to this end shall be the responsibility of each Contracting Party.

(+) Single Conventions on Narcotic Drugs of 1961 as amended by the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs; the 1971 Convention on Psychotropic Substances; the United Nations Convention of 20 December 1988 on Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

#### Article 72

The Contracting Parties shall, in accordance with their constitution and their national legal system, ensure that legislation is enacted to permit the seizure and confiscation of assets deriving from illicit traffic in narcotic drugs and psychotropic substances.

#### Article 73

1. The Contracting Parties undertake, in accordance with their constitution and their national legal system, to take measures to allow monitored deliveries to take place in the illicit traffic in narcotic drugs and psychotropic substances.

2. In each individual case, a decision to allow monitored deliveries will be taken on the basis of prior authorization by each of the Contracting Parties concerned.

3. Each Contracting Party shall retain responsibility for and control over the operation on its own territory and shall be empowered to intervene.

#### Article 74

With respect to legal trade in narcotic drugs and psychotropic substances, the Contracting Parties agree to transfer inside the country, wherever possible, checks conducted at the border and arising from obligations under the United Nations Conventions listed in Article 71.

#### Article 75

1. As regards the movement of travellers to the territory of the Contracting Parties or within such territory, individuals may carry narcotic drugs and psychotropic substances in connection with medical treatment, provided they produce at any check a certificate issued or authenticated by a competent authority of the State of residence.

2. The Executive Committee shall adopt the form and content of the certificate referred to in paragraph 1 and issued by one of the Contracting Parties, with particular reference to the data regarding the nature and quantity of the products and substances and the duration of the journey.

3. The Contracting Parties shall notify each other of the authorities responsible for the issue and authentication of the certificate referred to in paragraph 2.

#### Article 76

1. The Contracting Parties shall, if necessary, and in accordance with their medical, ethical and practical usage, adopt the appropriate measures for the monitoring of narcotic drugs and psychotropic substances subjected in the territory of one or more Contracting Party to more rigorous checks than in their own territory so that the effectiveness of such checks is not prejudiced.

2. Paragraph 1 shall also apply to substances frequently used for the

manufacture of narcotic drugs and psychotropic substances.

3. The Contracting Parties shall notify each other of the measures taken in order to monitor the legal trade in the substances referred to in paragraphs 1 and 2.

4. Problems experienced in this connection shall be regularly raised in the Executive Committee.